



**THE ATTORNEY GENERAL
OF TEXAS**

**JOHN T. HILL,
ATTORNEY GENERAL**

AUSTIN, TEXAS 78711

June 23, 1976

Mrs. Waldeen D. Wilson, R.N.
Executive Secretary
Board of Vocational Nurse
Examiners
813 Sam Houston State Office
Building
Austin, Texas 78701

Opinion No. H- 840

Re: Qualifications of
Director of Training of
Board of Vocational Nurse
Examiners.

Dear Mrs. Wilson:

You have requested our opinion concerning the requisite qualifications of the Director of Training to be employed by the Board of Vocational Nurse Examiners. You note that article 4528c, section 4(c), V.T.C.S., provides that the Director of Training "shall have had at least five (5) years experience in teaching nursing in an accredited school of nursing or an accredited training program."

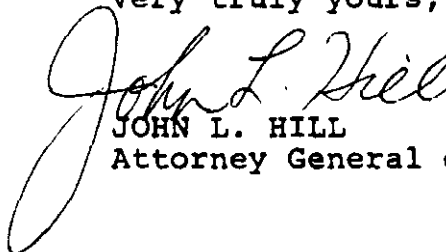
You have asked whether the past practices of the Board in ignoring this requirement and in failing to inform Associate Directors of the requirement constitute a waiver of the statutory requirement or estop the Board from enforcing the requirement. We are aware of no authority which would so provide. The requirement is clear and unambiguous; it is therefore to be applied and enforced as it reads, regardless of the "justice of its effect." 53 Tex.Jur.2d Statutes § 123, and authorities cited therein.

You have also asked if the requirement is affected by the remaining portion of section 4(c), which requires the Director to be a Registered Nurse for the first five years, but thereafter allows her to be a Licensed Vocational Nurse. This qualification is clearly independent of the requirement concerning teaching experience and cannot modify that requirement. Accordingly, in our opinion, the Director of Training must have the statutorily required teaching experience.

S U M M A R Y

The Director of Training employed by the Board of Vocational Nurse Examiners must have at least five years experience in teaching nursing in an accredited school of nursing or an accredited training program.

Very truly yours,



JOHN L. HILL
Attorney General of Texas

APPROVED:



DAVID M. KENDALL, First Assistant



C. ROBERT HEATH, Chairman
Opinion Committee

jwb